

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

Nicholas James McGuffin,
as an individual and as guardian
ad litem, on behalf of S.M., a minor,

Case No. 6:20-cv-01163-MTK
(Lead Case)

Plaintiffs,

v.

Mark Dannels, Pat Downing, Susan
Hormann, Mary Krings, Kris Karcher,
Shelly McInnes, Raymond McNeely,
Kip Oswald, Michael Reaves, John
Riddle, Sean Sanborn, Eric Schwenninger,
Richard Walter, Chris Webley, Anthony
Wetmore, Kathy Wilcox, Craig Zanni,
David Zavala, Joel D. Shapiro as
Administrator of the Estate of David E. Hall,
Vidocq Society, City of Coquille,
City of Coos Bay and Coos County,

Exhibit A

Defendants.

Nicholas James McGuffin, as an
Individual and as guardian *ad litem*,
on behalf of S.M., a minor,

Case No. 3:21-cv-01719-MTK
(Trailing Case)

Plaintiffs,

v.

Oregon State Police,

Defendant.

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EUGENE DIVISION

Nicholas James McGuffin,
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Richard Walter, Chris Webley, Anthony
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David Zavala, Joel D. Shapiro as
Administrator of the Estate of David E. Hall,
Vidocq Society, City of Coquille,
City of Coos Bay and Coos County,

ORDER

Defendants.

Nicholas James McGuffin, as an
Individual and as guardian *ad litem*,
on behalf of S.M., a minor,

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Plaintiffs,

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Defendant.

KASUBHAI, Judge

The following motions for summary judgment came before the Court:

(1) Motion for Summary Judgment, ECF No. 281, filed by Defendants City of Coos Bay, City of Coquille, Coos County, Mark Dannels, Pat Downing, Kris Karcher, Shelly McInnes, Raymond McNeely, Kip Oswald, Michael Reaves, Sean Sanborn, Eric Schwenninger, Joel D. Shapiro, Chris Webley, Anthony Wetmore, Craig Zanni, and David Zavala (“Municipal Defendants”);

(2) Motion for Summary Judgment, ECF No. 287, filed by Defendant Vidocq Society;

(3) Motion for Summary Judgment, ECF No. 294, filed by Susan Hormann, Mary Krings, Oregon State Police, John Riddle, and Kathy Wilcox (“State Defendants”); and

(4) Motion for Summary Judgment, ECF No. 314, filed by Defendant Richard Walter.

BASED upon the review of all the motions and supporting legal memorandums and exhibits, IT IS HERBY ORDERED AS FOLLOWS:

Municipal Defendants’ Motion for Summary Judgment

First Claim for Relief - Count 1: Fourteenth Amendment; and Count 4: Failure to Disclose Exculpatory Evidence (*Brady* and *Youngblood*):

The Court’s Decision: Denied.

First Claim for Relief - Count 2: Malicious Prosecution:

The Court’s Decision: Denied.

First Claim for Relief – Count 3: Illegal Pretrial Detention Following the Issuance of Legal Process:

The Court’s Decision: Denied.

First Claim for Relief – Count 5: Failure to Intervene; and Count 6: Conspiracy:

The Court's Decision: Denied.

First Claim for Relief – Count 7: Destruction of Exculpatory Evidence:

The Court's Decision: Denied with respect to Defendant Karcher, and granted with respect to remaining municipal defendants.

First Claim for Relief – Count 8: *Monell*:

The Court's Decision: Denied.

Qualified Immunity:

The Court's Decision: Denied.

First Claim for Relief – Count 9: Violation of S.M.'s Fourteenth Amendment Rights:

The Court's Decision: Denied.

Second Claim for Relief – False Imprisonment:

The Court's Decision: Denied.

Third Claim for Relief – Malicious Prosecution:

The Court's Decision: Denied.

Fourth Claim for Relief – Civil Conspiracy:

The Court's Decision: Denied.

Fifth Claim for Relief – Negligent Training and Supervision:

The Court's Decision: Denied.

Sixth Claim for Relief – Intentional Infliction of Emotional Distress (“IIED”):

The Court’s Decision: Denied.

Seventh Claim for Relief – Negligent and/or Intentional Spoliation of Evidence

The Court’s Decision: Denied.

Eighth Claim for Relief – Attorney Fees Pursuant to 42 U.S.C. § 1988(b):

The Court’s Decision: Denied.

State Defendants’ Motion for Summary Judgment

State Defendants raise several of the same bases as Municipal Defendants for summary judgment on parallel claims Plaintiffs bring against both groups of Defendants.

The Court’s Decision: Denied. I have considered the arguments State Defendants raise and Plaintiffs’ response. There remain substantial disputes of fact remaining for a jury to decide.

Vidocq Society’s Motion for Summary Judgment

Whether Plaintiffs cannot establish liability under § 1983 upon *Monell* because Vidocq is a private entity, was not acting under color of state law, and its conduct did not amount to state action.

The Court’s Decision: Denied.

Whether Plaintiffs cannot establish liability under *Monell* because they cannot establish that Vidocq’s conduct proximately caused the deprivation of their constitutional rights.

The Court’s Decision: Denied.

Whether Plaintiffs cannot establish elements of their state-law claims.

The Court’s Decision: Denied.

Whether Plaintiff S.M. cannot recover for loss of consortium under § 1983 or under Oregon state law.

The Court's Decision: Denied.

Whether Plaintiffs' claims are barred by issue preclusion (collateral estoppel).

The Court's Decision: Denied.

Mr. Walter's Motion for Summary Judgment

Defendant Walter raises on summary judgment many of the issues raised in the other Defendants' motions for summary judgment as those issues pertain to him.

The Court's Decision: Denied.

DATED: June _____, 2025.

Mustafa Taher Kasubhai (he/him)
United States District Judge
United States District Court for the District of Oregon